



Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM:

NATHAN WILLIAMS, PLANNER II, 480-503-6805 *NW*
NATHAN.WILLIAMS@GILBERTAZ.GOV

THROUGH:

CATHERINE LORBEER, AICP, PRINCIPAL PLANNER
480-503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV *ajl*

MEETING DATE: JANUARY 8, 2014

SUBJECT:

Z13-35: REQUEST TO REZONE APPROXIMATELY 17.89 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTH AND EAST OF THE NORTHEAST CORNER OF VAL VISTA DRIVE AND RAY ROAD FROM APPROXIMATELY 17.89 ACRES OF TOWN OF GILBERT SINGLE FAMILY 43 (SF-43) ZONING DISTRICT TO APPROXIMATELY 11.25 ACRES OF SINGLE FAMILY - 35 (SF-35) ZONING DISTRICT AND 6.64 ACRES OF PUBLIC FACILITY INSTITUTIONAL (PF/I) ZONING DISTRICT.

STRATEGIC INITIATIVE:

Community Livability

Allow for a diversity of uses adjacent to existing residential uses and allow Public Charter School, in the Single Family Residential 35 (SF-35) zoning district.

RECOMMENDED MOTION

FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO RECOMMEND APPROVAL TO THE TOWN COUNCIL FOR Z13-35, AS REQUESTED, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT.

APPLICANT/OWNER

Greg Davis
Iplan Consulting
4387 E. Capricorn Place
Chandler, AZ 85249
V: 480-227-9850
iplangd@cox.net

Ben Franklin Charter School

BACKGROUND/DISCUSSION

History

Date

Action

December 19, 2013 Town Council approved an Ordinance for Case No. A13-02 to annex the approximate 17.89 acre site to the Town of Gilbert.

Overview

The proposed rezoning consists of approximately 17.89 acres located north and east of Val Vista Drive and north of Ray Road, at the Eastern Canal. The existing and future use of the site is for the Ben Franklin Charter School. The new zoning will reflect Single Family – 35 (SF-35) and Public Facility Institutional (PF/I) zoning districts to accommodate the existing Ben Franklin Charter School as well as the adjacent canal and Val Vista Drive right-of-way. The existing General Plan land use classification for the property is Residential >0-1 DU/ Acre and Utility/Transportation (U/TR) along the canal. The property contained within the rezoning area includes the Eastern Canal and property west of the canal which encompasses the Ben Franklin Charter School.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Category	Existing Zoning	Existing Use
North	Residential > 0-1 DU/Acre	Maricopa County Rural 43	Large lot residential subdivision
South	Residential > 0-1 DU/Acre	SF-35	Existing Desert Hills High School
East	Utility/ Transportation Corridor (U/TC) then Residential > 0-1 DU/ Acre	Maricopa County Rural 43	Canal then large lot residential subdivision
West	Residential > 5-8 DU/Acre	SF-D	Val Vista Drive then existing Western Skies Estates Subdivision
Site	Residential > 0-1 DU/Acre	SF-43	Existing Ben Franklin Charter School

Single Family-35 (SF-35) District

The Single Family-35 (SF-35) zoning has the following the development standards contained in the LDC.

Development Standard	Single Family-35 (SF-35)
Minimum Lot Area	35,000 sq. ft.
Minimum Lot Dimensions Width Depth	140' 150'
Maximum Building Height (ft./stories)	35'/2
Minimum Setbacks (ft.) Front Side Rear	40' 20' 40'
Maximum Lot Coverage (%) One Story Two/Three - story	30% 30%
Street Frontage Landscaping	Per Article 4.3: Landscape Regulations
Off-Street Parking and Loading	Per Article 4.2: Off-Street Parking and Loading
Exterior Lighting Standards	Per Section 4.103: Lighting Standards

The proposed SF-35 portion (11.25 acre) of the subject site is used for an existing K-8 Charter School (Ben Franklin Charter School) that was approved and constructed in the jurisdiction of Maricopa County, and annexed into the Town of Gilbert on December 19, 2013. As such, there are no changes proposed to the existing buildings or use on the subject site. The proposed PF/I portion (6.64 acres) of the subject site is the existing Eastern Canal and will remain so in the future. The subject site is being rezoned to the applicable zoning district based upon the current Land Use Map of the General Plan, as the subject site was recently annexed into the Town of Gilbert with zoning comparable to the prior Maricopa County zoning.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

A neighborhood meeting for Z13-35 was held on December 10, 2013. There were two neighbors that attended the meeting, with Town staff and the applicant.

To date, staff has received no comments from surrounding property owners pertaining to the requested rezoning under Z13-35.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. These waivers are located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Character Area, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town’s strategic initiative for Community Livability. It supports the motto “Gilbert: Clean, Safe, Vibrant.”

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be coordinated with existing development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to the Town Council for Z13-35, a request to rezone approximately 17.89 acres of real property generally located north and east of the northeast corner of Val Vista Drive and Ray Road from Town of Gilbert Single Family 43 (SF-43) zoning district to approximately 11.25 acres of Single Family - 35 (SF-35) zoning district and 6.64 acres of Public Facility Institutional (PF/I) zoning district.

Respectfully submitted,



Nathan Williams
Planner II

Attachments:

1. Notice of Public Hearing Map
2. Aerial Photo
3. Project Narrative (2 pages)
4. Zoning Exhibit

Notice of Public Hearing

Z13-35: Ben Franklin Charter School
Attachment 1 - Notice of Public Hearing
January 8, 2014

PLANNING COMMISSION DATE:

Wednesday, January 8, 2014* TIME: 6:00 PM

TOWN COUNCIL DATE:

Thursday, February 13, 2014* TIME: 7:00 PM

LOCATION: Gilbert Municipal Center, Council Chambers

50 E. Civic Center Drive

Gilbert, Arizona 85296

*** Call Planning Department to verify date and time: (480) 503-6700**

REQUESTED ACTION:

Z13-35: Request to rezone approximately 17.89 acres of real property generally located north and east of the northeast corner of Val Vista Drive and Ray Road from approximately 17.89 acres of Town of Gilbert Single Family 43 (SF-43) zoning district to approximately 11.25 acres of Single Family - 35 (SF-35) zoning district and 6.64 acres of Public Facility Institutional (PF/I) zoning district. The effect of the rezoning will be to apply appropriate zoning to the Ben Franklin Charter School and the adjacent canal and Val Vista Drive right-of-way.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m.

SITE LOCATION:



APPLICANT: Iplan Consulting

CONTACT: Greg Davis

**ADDRESS: 4387 E. Capricorn Place
Chandler, AZ 85249**

TELEPHONE: (480) 227-9850

E-MAIL: Iplangd@cox.net



Site



PROJECT NARRATIVE: BEN FRANKLIN CHARTER SCHOOL THE TOWN OF GILBERT

Request: Zoning a 9.6 acre parcel (APN 304-26-643A) north of the NEC of Val Vista Drive and Ray Road to Conventional SF-35 with no deviations proposed following this parcel's inclusion of a 19.2 acre annexation into the Town of Gilbert. Accompanying this request is the zoning of the proposed annexation of the Eastern Canal to PF/I.

Property Owner: LBE Investments and Ben Franklin Charter Schools
690 E. Warner Rd., Suite 141
Gilbert, AZ 85296

Applicant: Iplan Consulting
4387 E. Capricorn Place
Chandler, AZ 85249

Property Location: 13641 S. Val Vista Dr., Gilbert, AZ 85296

Existing Zoning Designation: RU-43

Comparable Zoning Designation: SF-35 & PF/I

Purpose Statement

The purpose of the zoning request is to allow for a school use with municipal services. This request also complies with the General Plan and meets the intent of the the existing Pre-Annexation Agreement.

Project Narrative

Description of the proposed zoning. The applicant requests a Conventional SF-35 Zoning for a parcel (APN 304-26-643A) of approximately 9.6 acres of the 19.2 acres to be annexed by the Town of Gilbert. The site is the location of a Ben Franklin Charter School currently serving primary education for the grades of Kindergarten through 6 and has coordinated the development of the site with both Maricopa County and the Town of Gilbert.

The property runs adjacent to Desert Hill High School (APN 304-26-638) to its south, which already resides within Gilbert's Town jurisdiction. This southern boundary runs along Gilbert's jurisdiction for approximately 1,160 feet. The western boundary runs north along the center line of Val Vista Drive approximately 333 feet. The northern boundary runs approximately 1,391 feet west from the center line of Val Vista Drive to the westernly edge of the Eastern Canal. The northern boundary runs along unincorporated Maricopa County residential properties. The eastern boundary runs along the westernly edge of the Eastern Canal with unincorporated Maricopa County east of that.

Adjacent to the Ben Franklin Charter School property exists the Eastern Canal which has been proposed to be annexed with the school property. It is requested, on behalf of the Town, to be zoned PF/I.

Surrounding Land Uses

North	Residential
East	Residential
South	School/Library
West	Residential

Surrounding Zoning

North	RU-43
East	RU-43
South	SF-35
West	SF-D

Iplan Consulting

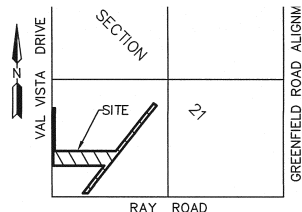


Zoning Compliance. The request for zoning as described in this request and in attached exhibits complies with the Town of Gilbert's General Plan. Within the Land Use Map, the area shows the designation of Residential of 0 – 1 dwelling units per acre.



Zoning Exhibit

Ben Franklin Charter School

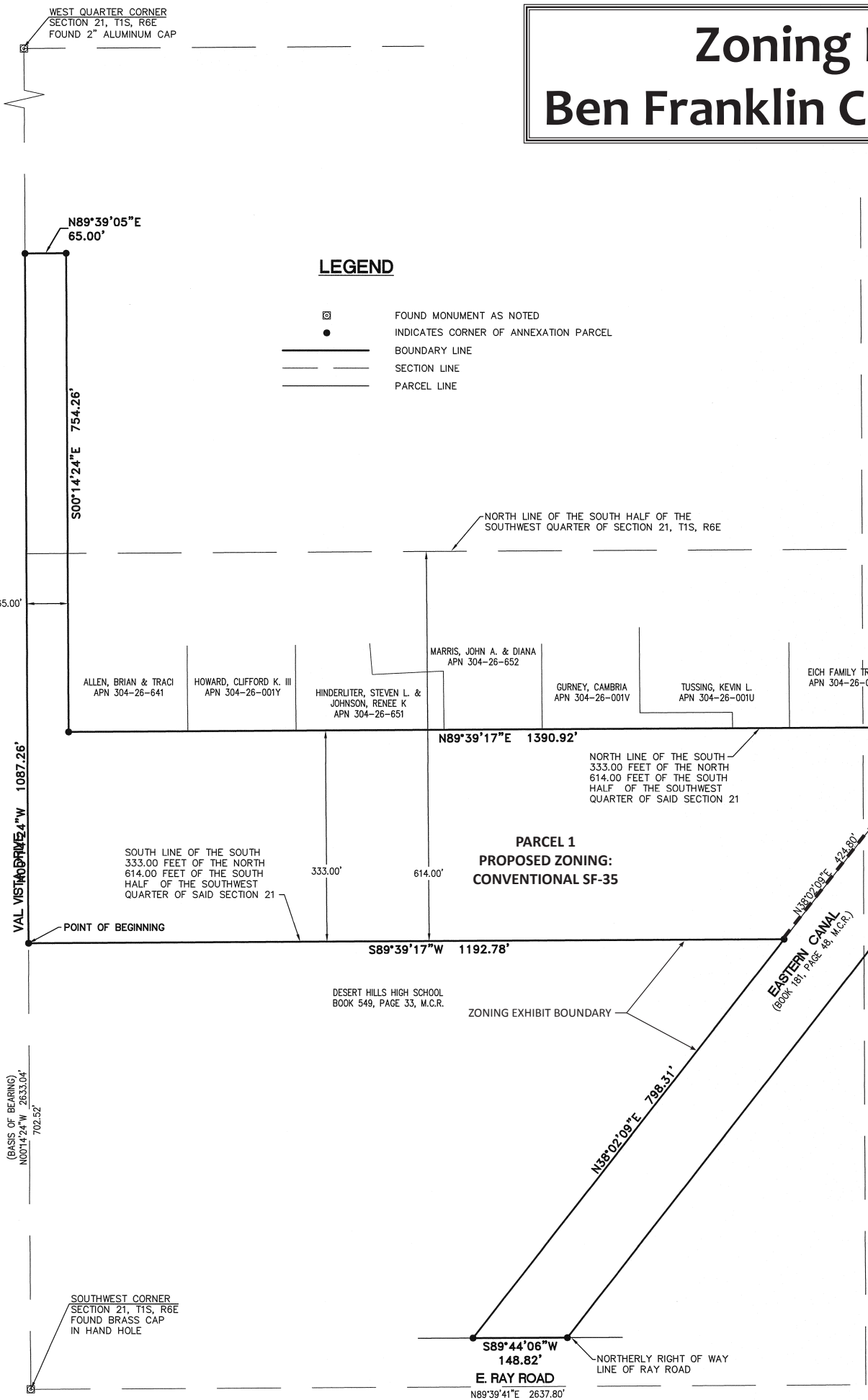


VICINITY MAP
NOT TO SCALE

SITE DATA	
Total Gross Acres	17.89 (Parcel 1 and Parcel 2)
Net Acres	9.59 (Parcel 1)
Existing Land Use	
Parcel 1:	Residential (0-1 DU/ac)
Parcel 2:	Utility/Transit Corridor (U/TC)
Proposed Land Use	Maintain Existing
Current Zoning	Single Family Res. 43 (SF-43)
Proposed Zoning	
Parcel 1:	SF-35 (11.25 gross acres)
	62.9% total gross acres
Parcel 2:	PF/I (6.64 gross acres)
	37.1% total gross acres

LEGEND

- FOUND MONUMENT AS NOTED
- INDICATES CORNER OF ANNEXATION PARCEL
- BOUNDARY LINE
- SECTION LINE
- PARCEL LINE



LEGAL DESCRIPTION – PARCEL 1

A PORTION OF THE LAND BEING SITUATED WITHIN THE SOUTH HALF OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HANDHOLE ACCEPTED AS THE SOUTHWEST CORNER OF SAID SECTION 21, FROM WHICH A FOUND 2" ALUMINUM CAP ACCEPTED AS THE WEST QUARTER CORNER THEREOF BEARS NORTH 00°14'24" WEST, 2633.04 FEET;

THENCE NORTH 00°14'24" WEST, 702.52 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 TO THE POINT OF BEGINNING;

THENCE NORTH 00°14'24" WEST, 1087.26 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER;

THENCE LEAVING SAID WEST LINE, NORTH 89°39'05" EAST, 65.00 FEET ALONG THE SOUTH LINE OF THE NORTH 185 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21;

THENCE LEAVING SAID SOUTH LINE, SOUTH 00°14'24" EAST, 754.26 FEET ALONG A LINE WHICH IS 65.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21;

THENCE LEAVING SAID PARALLEL LINE, NORTH 89°39'17" EAST, 1390.92 FEET ALONG THE NORTH LINE OF THE SOUTH 333.00 FEET OF THE NORTH 614.00 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 21 TO THE WESTERLY RIGHT OF WAY LINE OF THE EASTERN CANAL AS DEFINED IN SURVEY RECORDED IN BOOK 181, PAGE 48 OF MARICOPA COUNTY RECORDS;

THENCE ALONG SAID WESTERLY LINE, SOUTH 38°02'09" WEST, 424.80 FEET ALONG THE WESTERLY RIGHT OF WAY LINE OF THE EASTERN CANAL;

THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, SOUTH 89°39'17" WEST, 1192.78 FEET ALONG THE SOUTH LINE OF THE SOUTH 333.00 FEET OF THE NORTH 614.00 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 21 TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION – PARCEL 2

A PORTION OF THE LAND BEING SITUATED WITHIN THE SOUTH HALF OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HANDHOLE ACCEPTED AS THE SOUTHWEST CORNER OF SAID SECTION 21, FROM WHICH A FOUND 2" ALUMINUM CAP ACCEPTED AS THE WEST QUARTER CORNER THEREOF BEARS NORTH 00°14'24" WEST, 2633.04 FEET;

THENCE NORTH 00°14'24" WEST, 702.52 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21;

THENCE LEAVING SAID WEST LINE, NORTH 89°39'17" EAST, 1192.78 FEET ALONG THE SOUTH LINE OF THE SOUTH 333.00 FEET OF THE NORTH 614.00 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 21 TO THE WESTERLY RIGHT OF WAY LINE OF THE EASTERN CANAL AS DEFINED IN SURVEY RECORDED IN BOOK 181, PAGE 48 OF MARICOPA COUNTY RECORDS, THE POINT OF BEGINNING;

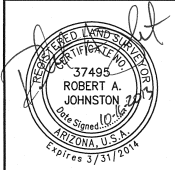
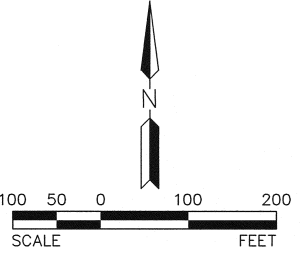
THENCE ALONG SAID WESTERLY LINE, NORTH 38°02'09" EAST, 1674.50 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 53°43'08" EAST, 116.84 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE EASTERN CANAL;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG SAID EASTERLY RIGHT OF WAY LINE, SOUTH 38°02'09" WEST, 2384.16 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF RAY ROAD;

THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, SOUTH 89°44'06" WEST, 148.82 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;

THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 38°02'09" EAST, 798.31 FEET ALONG THE WESTERLY RIGHT OF WAY LINE OF THE EASTERN CANAL, TO THE POINT OF BEGINNING.



BEN FRANKLIN CHARTER
RAY ROAD & VAL VISTA DRIVE
MARICOPA COUNTY, ARIZONA

ZONING EXHIBIT

PROJ.#	1307	hilgartwilson ENGINEERS • PLANNERS • SURVEYORS
DATE:	10/15/13	
SCALE:	AS SHOWN	
DESIGNED:	HW	
DRAWN:	KM	APPROVED: KJP
REV.		DWG. NO.
		SV-1
		SHT. 1 OF 1

